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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,743	09/29/2000	Jeremy Mark Cohen	4733-106 US	2840

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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/675,743	COHEN ET AL.
	Examiner	Art Unit
	Vicky A. Johnson	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 12-16, 19 and 20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 12-16, 19 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 September 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 140a. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 132. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton.

Fenton discloses a handlebar comprising: a frame (A) having opposing tubular outer ends (see Fig 2), a shaft (b) having first and second shaft ends (see Fig 2), the

first shaft end being slidably connected with one of the tubular outer ends (see Fig 2), a bias member (G) operatively associated with the shaft and the frame so as to bias the second shaft end away from the one tubular end of the frame (col. 3 lines 20-25), and a dampener (H) operatively associated with the shaft and the frame so as to dampen displacement of the second end of the shaft away from the frame (col. 3 lines 25-37), wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position (col. 3 lines 20-37).

Re claim 2, the bias member is a helical spring (see Fig 2).

Re claim 4, a cover (C) coupled with the shaft to slidably telescope on the one outer end of the frame (see Fig 2).

Re claim 16, a tubular frame (A) having a tubular outer end (see Fig 2), a shaft (b) having opposing first and second shaft ends (see Fig 2), the first shaft end being slidably telescoped the frame outer end (see Fig 2), and a fluid (air) dampener (H) operatively associated with the shaft and the frame so as to slow movement of the shaft out of the outer end (col. 3 lines 25-37), wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position (col. 3 lines 20-37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Noel.

Fenton discloses a handlebar as described above, but does not disclose the handlebar having a compressible cap coupled with the second shaft end.

Noel discloses and compressible cap (30) coupled with a shaft end for movement with the second shaft end (col. 3 lines 49-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the compressible cap of Noel on the Handlebar of Fenton in order to reduce the risk of injury to the rider (col. 1 lines 50-53).

7. Claims 12-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Johnsen.

Fenton discloses a handlebar as described above, but does not disclose an air flow dampener having a first orientation and a second orientation to slow the displacement of the second end of the shaft toward and away from the frame.

Johnsen discloses an air flow damper (76b) connected to a shaft such that the damper is in a first non-fluid obstructing orientation when the shaft is displaced toward the frame, and a second fluid flow obstructing position when the shaft is displaced away from the frame (col. 8 lines 13-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the handlebar of Fenton with the damper of Johnsen in order to effectively absorb shocks through the frame (col. 1 lines 62-67).

Re claim 13, Fenton shows the bias member is a helical spring (see Fig 2).

Re claim 14, Johnsen shows the airflow washer is a feather washer (see Fig 10).

Re claim 20, Fenton shows the biasing member coupled between the shaft and the frame so as to absorb energy as the shaft slides into the outer end of the frame (see Fig 2).

Response to Arguments

Some further comments regarding the Applicant's remarks are deemed appropriate.

The Applicant states that a drawing correction of Figure 5 marked up in red, which includes reference character 140a was submitted, but the Figure was not attached to the amendment filed June 17, 2002.

The objection to the drawings with regard to reference character 132 is that the written description fails to disclose 132. Figure 5 shows 132 pointing to the shaft, which was previously designated as 126.

The Applicant argues that the Fenton reference does not meet the limitation of claims, because it fails to disclose a dampener used to dampen displacement of the shaft away from the frame. When the grip is moved to the left due to an impact, the spring (G) is compressed and then released biasing the grip away from the frame. When the spring (G) releases it applies a force against the right end of the grip forcing the second spring (H) to compress and dampen the vibration. Therefore, the Fenton reference meets the limitation of the claim.

It is also argued that the Noel reference does not meet the limitation of the claims, because it fails to disclose a dampener used to dampen displacement of the shaft away from the frame. The Noel reference is relied upon to show the obviousness of a handlebar having a compressible cap coupled with the second shaft end. The Fenton reference discloses a dampener used to dampen displacement of the shaft away from the frame. Therefore, the Noel reference meets the limitations of the claim.

The Applicant also argues that the Johnsen reference does not meet the limitation of the claims, because it fails to disclose a dampener used to dampen displacement of the shaft away from the frame. The Johnsen reference is relied upon to show the obviousness of a handlebar having a compressible cap coupled with the second shaft end. The Fenton reference discloses a dampener used to dampen displacement of the shaft away from the frame. Therefore, the Johnsen reference meets the limitations of the claim.

The Applicant's remarks have been given due consideration, however, they are not deemed fully persuasive.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

vaj 1(A) 9/9/02
September 9, 2002